

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GEORGE SWAILS,	)	2:07-cv-01329-LRH-RJJ
Plaintiff,	)	
vs.	)	<u>ORDER VACATING ORDER (#19)</u>
	)	<u>FILED 02/28/2008</u>
UNITED STATES OF AMERICA,	)	
Defendant.	)	

It has come to the court's attention that the court's order consolidating this action with a similar action, George Swails v. United States of America, Case No. 2:07-cv-00864-BES-LRL (hereafter "Swails No. 1") was entered mistakenly because Swails No. 1 had earlier been dismissed without prejudice by Judge Sandoval on February 12, 2008 (#12<sup>1</sup>).

Good cause appearing, this court's order (#19) in this action, (hereafter "Swails No. 2"), is hereby vacated. This action shall continue under the caption above and before Judge Hicks.

The motion this court was acting upon in this action when it consolidated the two cases was Defendant's motion to dismiss (#15) based upon the ground that this action was duplicative of Swails No. 1.

Good cause appearing, Defendant's motion in Swails No. 2 to dismiss (#15) is hereby denied as moot.

In the interest of clarifying the status of this action, the court grants Plaintiff twenty (20) days leave to amend his complaint in this action. Defendant shall then have twenty (20) days to

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<sup>1</sup>Refers to the court's docket number.

1 file such additional motions to dismiss as Defendant may deem appropriate.

2 IT IS SO ORDERED.

3 DATED this 29<sup>th</sup> day of February, 2008.

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LARRY R. HICKS  
7 UNITED STATES DISTRICT JUDGE  
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